

toothache, and earache; effective as a remedy for colic or bots in horses; (Spleen Mixture and Blood Purifier) as a treatment, remedy, and cure for ailments of the spleen; effective as a blood purifier; effective as a treatment for enlarged spleen and torpid liver; effective to act upon the kidneys, causing them to separate the impurities from the blood, ejecting them through the natural excretory channels; effective as a remedy to keep the bowels open; effective as a treatment, remedy, and permanent relief for chronic chills, liver complaint, rheumatism, neuralgia, and malarial troubles; and effective as a remedy to regulate the action of the liver and kidneys.

Misbranding of the Magic Oil was alleged for the further reason that the statement "Magic Oil", borne on the carton and bottle labels, was false and misleading, since the statement represented that the article consisted wholly of oil which contained magic properties, whereas it did not consist wholly of oil and had no magic properties.

On May 7, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22585. Adulteration of elixir iron, quinine, and strychnine, and adulteration and misbranding of milk of bismuth. U. S. v. Walgreen Co. Plea of guilty. Fine, \$100. (F. & D. no. 30319. Sample nos. 4339-A, 4345-A.)**

This case was based on an interstate shipment of two lots of drugs, one of which, sold as elixir iron, quinine, and strychnine, a name recognized in the National Formulary, failed to conform to the standard established by that authority; and the other, a quantity of milk of bismuth, labeled as containing in each fluid dram the equivalent of 5 grains of bismuth subnitrate, in fact contained the equivalent of a less amount.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walgreen Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 28, 1932, from the State of Illinois into the State of Wisconsin, of a quantity of elixir iron, quinine, and strychnine which was adulterated, and of a quantity of milk of bismuth which was adulterated and misbranded. The articles were labeled in part, respectively: (Bottle) "Keller Elixir Iron Quinine and Strychnine \* \* \* Valentine Laboratories, Inc., Chicago"; "Keller Milk of Bismuth \* \* \* Walgreen Co. Chicago."

It was alleged in the information that the elixir iron, quinine, and strychnine was adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary official at the time of investigation, in that it contained not more than 1.376 g of anhydrous alkaloids of quinine and strychnine per 1,000 cc, whereas the said formulary provides that elixir iron, quinine, and strychnine shall contain quinine hydrochloride 8.75 g and strychnine sulphate 0.175 g, equivalent to 7.29 g of anhydrous alkaloids of quinine and strychnine per 1,000 cc, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Adulteration of the milk of bismuth was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid gram of the article was represented to contain the equivalent of 5 grains of bismuth subnitrate; whereas the article contained less than the equivalent of 5 grains of bismuth subnitrate per each fluid dram, namely, not more than 3.9 grains of bismuth subnitrate per each fluid dram.

Misbranding of the milk of bismuth was alleged for the reason that the statement, "Stronger than the N. F. product. Each fluid dram contains the equivalent of 5 grains Bismuth Subnitrate", borne on the bottle label, was false and misleading, since each fluid dram of the article contained less than the equivalent of 5 grains of bismuth subnitrate.

On May 17, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*